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**Datasheet for the decision  
of 20 February 2009**

**Case Number:** T 2123/08 - 3.4.01

**Application Number:** 06253557.0

**Publication Number:** 1757951

**IPC:** G01R 33/381

**Language of the proceedings:** EN

**Title of invention:**

Thin metal layer vacuum vessels with composite structural support

**Applicant:**

GENERAL ELECTRIC COMPANY

**Opponent:**

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**Headword:**

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**Relevant legal provisions:**

EPC Art. 108  
EPC R. 101(1)

**Relevant legal provisions (EPC 1973):**

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**Keyword:**

"Appeal inadmissible (no statement of grounds filed)"

**Decisions cited:**

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**Catchword:**

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Case Number: T 2123/08 - 3.4.01

**D E C I S I O N**  
of the Technical Board of Appeal 3.4.01  
of 20 February 2009

**Appellant:**

GENERAL ELECTRIC COMPANY  
1 River Road  
Schenectady  
NY 12345 (US)

**Representative:**

Pedder, James Cuthbert  
London Patent Operation  
General Electric International, Inc.  
15 John Adam Street  
London WC1N 6LU (GB)

**Decision under appeal:**

Decision of the Examining Division of the  
European Patent Office posted 17 April 2008  
refusing European patent application  
No. 06253557.0 pursuant to Article 97(2) EPC

**Composition of the Board:**

**Chairman:** B. Schachenmann  
**Members:** H. Wolfrum  
G. Assi

## **Summary of Facts and Submissions**

- I. The appellant contests the decision of the examining division dated 17 April 2008 refusing European patent application No. 06 253 557.0.
  
- II. The appellant filed a notice of appeal received on 3 June 2008 and paid the appeal fee on the same day. The appellant requested that the decision under appeal be set aside and that a patent be granted on the basis of the present claims, or on the basis of amended claims which may be submitted in the course of the proceedings. Moreover, oral proceedings were requested in the event that the Board of Appeal intended to confirm the contested decision.
  
- III. No statement of grounds of appeal was filed within the four-month time limit provided for in Article 108 EPC 1973.
  
- IV. In a communication dated 14 November 2008 sent by registered letter with advice of delivery, the board informed the appellant that no statement of grounds of appeal had been received and that the appeal should be expected to be rejected as inadmissible. The appellant was informed that any observations would have to be filed within two months.
  
- V. The appellant filed no observations in response to the communication.

## **Reasons for the Decision**

1. As no written statement of grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) EPC).
  
2. The conditional request for oral proceedings is invalid since the Board does not decide on a confirmation of the contested decision but rejects the appeal as inadmissible.

## **Order**

### **For these reasons it is decided that:**

The appeal is rejected as inadmissible.

The Registrar

The Chairman

R. Schumacher

B. Schachenmann